

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MOTION TO SUPPRESS EVIDENCE

Now comes the Defendant, DARRELL WILLIAMS, by his attorney, WILLIAM D. STIEHL, JR., and for his Motion to Suppress Evidence, states as follows:

1. On or about August 20, 2014, Herman Smith, Jr., was indicted by a federal grand jury in the Southern District of Illinois for delivery of crack cocaine.

2. On or about August 28, 2014, federal agents and other law enforcement officers arrived at the residence at 1516 Second Street, Madison, Illinois, to serve a federal arrest warrant on Herman Smith, Jr. ATF agents had allegedly been told by a confidential source that Smith lived at said residence.

3. 1516 Second Street is improved with a single family ranch style residence in the front, and a two story building in the rear with two apartments, one on the first floor and one on the second floor.

4. When agents arrived at the ranch style, one story, in the front of 1516 Second Street, they were advised that Herman Smith, Jr., did not live there but resided in the ground floor apartment of the structure to the rear.

5. Despite having been told that Herman Smith, Jr., resided in the first floor apartment, agents ascended the outside stairs of the building to the second floor apartment and forcibly entered said second floor apartment.

6. Said second floor apartment was the residence of the Defendant, DARRELL WILLIAMS.

7. Agents then and there forcibly entered Defendant's residence and allegedly took Defendant into custody as he emerged from his bathroom.

8. Agents did not have at that time an arrest warrant for the Defendant or a search warrant authorizing them to enter Defendant's residence.

9. Police reports indicate that upon entry into the Defendant's apartment, agents found more than 500 grams, gross weight including packaging material, of crack cocaine.

10. After finding said crack cocaine, agents then obtained a search warrant for Defendant's residence.

11. After obtaining said search warrant, agents then seized the alleged crack cocaine and removed it from Defendant's apartment.

12. Said forcible entry into the Defendant's apartment was without a search warrant, without Defendant's consent and was not based upon probable cause to believe that a criminal offense was being committed or that Defendant was in possession of contraband, and was therefore unlawful.

13. Any evidence obtained following the unlawful entry of agents into Defendant's apartment, whether before or after the search warrant was executed, was located and seized as the direct result of the initial unlawful entry into Defendant's apartment and the subsequent unlawful search of Defendant's apartment.

14. Defendant believes that unless prohibited by order of this Honorable Court, the Government will attempt to introduce into evidence the alleged crack cocaine seized from the Defendant's apartment.

15. All such evidence obtained as the result of said unlawful entry into the Defendant's apartment and the subsequent unlawful search are inadmissible as having been unlawfully obtained.

WHEREFORE, Defendant, DARRELL WILLIAMS, prays this Honorable Court to enter an order as follows:

- A. Suppressing all items seized from Defendant's apartment on August 28, 2014, following the entry of police officers and agents into the Defendant's apartment, including but not limited to, crack cocaine seized at that time;
- B. Prohibiting the Government's witnesses from referring to said items at trial;
- C. For such other and further relief as this Court may deem just.

/s/ William D. Stiehl, Jr.
WILLIAM D. STIEHL, JR. - #2736209
Attorney for Defendant, Darrell Williams
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion to Suppress Evidence was served upon Laura Reppert, Office of the United States Attorney, Nine Executive Drive, Suite 300, Fairview Heights, IL 62208, attorney of record for plaintiff, through the electronic case filing system of the U.S. District Court for the Southern District of Illinois, this 24th day of October, 2014.

/s/ William D. Stiehl, Jr.
WILLIAM D. STIEHL, JR.